

Assembly Bill No. 1439

CHAPTER 301

An act to amend Section 57013 of, and to repeal Section 25200.18 of, the Health and Safety Code, relating to hazardous materials.

[Approved by Governor September 26, 2017. Filed with
Secretary of State September 26, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1439, Committee on Environmental Safety and Toxic Materials. Hazardous materials: reporting.

Existing law requires the Department of Toxic Substances Control to implement a procedure for the electronic reporting of all hazardous waste facilities permit modifications, to the extent the Secretary for Environmental Protection determines that the procedure is compatible with the electronic reporting standards adopted by the secretary.

This bill would repeal this provision.

Existing law authorizes the department to require a person submitting a report or data to submit the report or data in an electronic format.

This bill would additionally authorize the department to require a person submitting a workplan, schedule, notice, request, application, or other document for purposes of compliance with certain laws and regulations to submit the document in an electronic format.

The people of the State of California do enact as follows:

SECTION 1. Section 25200.18 of the Health and Safety Code is repealed.

SEC. 2. Section 57013 of the Health and Safety Code is amended to read:

57013. (a) The Department of Toxic Substances Control may require a person submitting a report, workplan, schedule, notice, request, application, or other document or data for purposes of compliance with this code, the Education Code, or other related regulations to submit the document or data in an electronic format, if the document is submitted to either of the following:

(1) The Department of Toxic Substances Control.

(2) A unified program agency implementing the unified program specified in Chapter 6.11 (commencing with Section 25404) of Division 20.

(b) The Department of Toxic Substances Control may require that a document or data submitted in electronic format include the latitude and longitude, which shall be accurate to within one meter, of the location where a sample analyzed in the document or data was collected.

(c) The Department of Toxic Substances Control shall adopt standards, that include electronic formats, for the submission of reports, workplans, schedules, notices, requests, applications, or other documents or data. The adopted standards also shall include formats for analytical and environmental compliance data that may be submitted along with those documents. When adopting these standards, the Department of Toxic Substances Control shall only consider electronic formats that meet all of the following criteria:

- (1) Are available at no cost.
- (2) Are available in the public domain.
- (3) Have available public domain means to import, manipulate, and store data.
- (4) Allow importation of data into tables that indicate relational distances.
- (5) Allow verification of data submission consistency.
- (6) Allow inclusion of all of the following information:
 - (A) The physical site address from which the sample was taken, and information required for permitting and reporting an unauthorized release.
 - (B) Environmental assessment data taken during the initial site investigation phase, as well as the continuing monitoring and evaluation phases.
 - (C) The latitude and longitude, which shall be accurate to within one meter, of the location where a sample was collected.
 - (D) A description of all tests performed on the sample, the results of the testing, quality assurance and quality control information, available narrative information regarding the collection of the sample, and available information concerning the laboratory's analysis of the sample.
- (7) Fulfill any additional criteria that the Department of Toxic Substances Control determines are appropriate for an effective electronic report submission program.

(d) In adopting standards pursuant to this section, the Department of Toxic Substances Control shall ensure the security of electronically submitted information.

(e) (1) The regulations adopted by the Department of Toxic Substances Control pursuant to this section, including regulations adopted pursuant to this section as amended during the 2017–18 Regular Session, may be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as an emergency and necessary for the immediate preservation of the public peace, health and safety, and general welfare.

(2) Notwithstanding the time limitation in subdivision (e) of Section 11346.1 of the Government Code, an emergency regulation adopted or amended pursuant to this section shall not be repealed until one year after the effective date of the regulation, unless the Department of Toxic Substances Control readopts the regulation, in whole or in part, in compliance

with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

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